IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1078 OF 2005
IN
FIRST APPEAL NO.486 OF 2005

Shri Amit Vinayachandra Shah ... Applicant

Versus

Bank of India & Ors. ... Respondents

Shri R.R.Mahagaonkar for the Applicant.
Shri S.A.Bhagwat i/by V.Deshpande & Co for the Respondent No.1.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 12, 2007.

P.C.:

1. Heard Advocate appearing for the Applicant and the first Respondent. The impugned decree is a money decree. Therefore, the execution and operation of the money decree cannot be stayed unless the entire decretal amount is deposited. If the decretal amount is deposited, the first Respondent will be entitled to withdraw the said amount.

2. Hence, I pass the following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing with the trial Court, the entire decretal amount within a period of four months from today.

(ii) If the amount is not deposited within the stipulated time, interim relief will stand vacated automatically without further reference to the court.

(iii) The trial Court will permit the first Respondent to withdraw the amount deposited by the Applicant subject to giving an undertaking to redeposit the amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

(iv) It is an admitted position that hypotheticated vehicle owned by the Applicant has been in possession of the first Respondent. After deposit of decretal amount, the first Respondent will immediately hand over possession of the hypotheticated vehicle to the Applicant.

(v) Civil Application is disposed of in above terms with no orders as to costs.

Judge.